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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/605,145	06/24/2000	Michael Cortopassi	PALM-2933	6681

7590 03/01/2007  
Wagner Murabito & Hao L L P  
Two North Market Street  
Third Floor  
San Jose, CA 95113

EXAMINER
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WYSZYNSKI, AUBREY H

ART UNIT	PAPER NUMBER
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2134

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/01/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

09/605,145

Applicant(s)

CORTOPASSI ET AL.

Examiner

Aubrey H. Wyszynski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 12-20, 31-38 and 52-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-20 and 31-38 is/are allowed.
- 6) ☒ Claim(s) 52-64 is/are rejected.
- 7) ☒ Claim(s) 57 and 58 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/17/06 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/06/06 has been entered.
2. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously present arguments.
3. Claims 1-11, 21-30 and 39-51 are canceled.
4. Claims 12-20, 31-38 and 52-64 are pending.

### ***Response to Arguments***

5. Applicant's arguments have been fully considered but they are not persuasive.
6. Applicant argues the 35 U.S.C. 101 rejections. However, the "if" condition used in the claim language creates a possibility of a non-concrete result when authorization is not given to access the secure area.
7. As per Applicant's arguments regarding claims 52 and 60: Applicant argues that claim 52 recites "...automatically broadcasts a security code in response to being located within a radio frequency signal field" and Hall fails to disclose automatically

broadcasting the security code in response to being located in an RF signal field.

However, Hall discloses broadcasting the electronic codes after a communication session is established and the communication session is automatically established when the RFID IC is located within a radio frequency signal field. See fig. 6 and col. 6, lines 31-41 and the rejection below for further clarification.

8. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

9. Claims 63 or 64 are still rejectable, but could be objectable allowable subject matter in light of claim 59 if the limitations "a processor and software, said processor coupled to said radio frequency identification integrated circuit, said software operates on said portable computing device" be included into the limitations of claim 59, 63 or 64 or similar limitations that define the connections between the processor to IC and the software function and also overcome the 101 rejection.

### ***Claim Objections***

10. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims

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are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Claim 59 is missing from the claims. Therefore, Misnumbered claims 60-65 been renumbered 59-64.

***Claim Rejections - 35 USC § 101***

11. Claims 59-64 are rejected under 35 U.S.C. 101 because the "if" condition would create a possibility of useful result which is the access to secure area and therefore if authorization is not given, then what is the useful result? Therefore there result is not a "concrete" result.

12. Examiner suggests if "if" condition is involved in a claim, then the limitations of the "if" conditions has to be present in it's entirely, that is if authorized, and if not authorized. The claim in broadest term could be considered as such, if authorization is not given, then the claims 64 and 65 become irrelevant also.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 52-56 and 59-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al (5,898,831 A) and further in view of Casden (6,828,902 B2).

As per claims 52 and 59, Hall et al (5,898,831 A) teaches a system and a method comprising: a radio frequency identification integrated circuit that outputs a radio frequency signal containing a security code in response to being located within a radio frequency signal field where said radio frequency identification integrated circuit picked up radio frequency to output said radio frequency signal (see fig. 2-4, 15 and 16 where personal device 121 transmit radio frequency signal to the car's door and where the device is within range of door range where the security code is electronic codes unique to the car as disclosed in col.12, lines 27-31; col.4, lines 8-20 disclose the use of radio frequency as an option for wireless communication may be employed; and col. 15, lines 28-36 where ID, codes or passwords or PIN is being used as security code), said radio frequency identification integrated circuit is inactive except when located within said radio frequency signal field; a reader device that outputs said radio frequency signal field and receives said radio frequency signal (It is inherent in the art; as an example a remote car only is activated when it is within a range that the car door's reader is able to acknowledge its frequency receipt), said reader device outputs a release signal if said security code is authorized (see fig. 16, item 215 and 216; col. 12, lines 31-40); and a locking mechanism that unlocks said entryway upon receipt of said release signal (see fig.16, item 216; col.12, lines 31-38; col.17, lines 55-58 where it unlock a secure passageway and fig. 8-9).

Hall et al (5,898,831 A) do not disclose explicitly that the IC being energized in order to output the radio frequency. However Casden (6,828,902 B2) disclose the wireless technology using radio frequency in analogous art where the energizing of the

Integrated Circuit is being done by picking radio frequency energy by transponder within its range (see co1.1, lines 19-35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Casden's RFID method and system in Hall's interactive appliance security system and method in order to detect the pattern of the voltage changes on the Hall's reader and use the frequency to clock the IC.

As per claims 53 and 60 Hall et al (5,898,831 A) teach the system and a method as described in claims 52 and 59, wherein said code/password is unique or common (see where the security code is electronic codes unique to the car as disclosed in co1.12, lines 27-31; co1.4, lines 8-20 disclose the use of radio frequency as an option for wireless communication may be employed; and co1.5, lines 28-36 where ID, codes or passwords or PIN is being used as security code).

As per claims 54 and 61 Hall et al (5,898,831 A) teach the system and a method as described in claims 52 and 59, wherein said computing device comprises a PDA, pager, portable phone, laptop computer, calculator, a radio frequency identification tag or a portable device (see fig.3; co1.5, lines 54-65).

As per claims 55 and 62 Hall et al (5,898,831 A) teach the system, method as described in claims 52 and 59, wherein said radio frequency identification integrated circuit is

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incorporated with a snap-on adapter fabricated to couple to said portable computing device (see fig.2-4; col.5, lines 54-65).

As per claims 56 Fabrication of snap-on adapter from plastic, nylon, or carbon fiber is well known in the art, such as badge, smart card, smart card type modem and remote control. It would have been obvious to one of ordinary skilled in the art at the time the invention was made to fabricate the Hall's portable computing devices from plastic, nylon or carbon fiber in order to have cheap, light and non-conductivity insulated devices.

15. Claims 63-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al (5,898,831 A) in view Casden (6,828,902 B2); and further in view of Win et al (6,182,142 B1).

As per claims 63-64 Hall et al (5,898,831 A) in view of Casden (6,828,902 B2) teach all limitation of the claims as applied to claim 60 above but do not disclose explicitly tracks the time and date of ingress and egress of said computing device. However Win et al (6,182,142 B1) teach tracks the time and date of ingress and egress of said computing device (see abstract; col.3, lines 15-21; col.6, lines 7-16; col.10, lines 6-24 where the date of successful login or entry access or non successful time and date are recorded and monitored in a log). It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Win et al login monitoring system



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in Hall's portable computing device access system in view of Casden's energizing IC in order to record access time and date of a portable computing device entryway such as car remote key entry access of fig.15-16 of Hall.

***Allowable Subject Matter***

16. Claims 12-20 and 31-38 are allowed.
17. Claims 57 and 58 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
18. A final search will be conducted upon allowability of all claims in the application on the time such determination is considered (Applicant's final arguments) and based on such search, the final allowability of the claims are determined.

***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a. U.S. Patent No. 6,323,566 to Meier.
20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aubrey H. Wyszynski whose telephone number is (571)272-8155. The examiner can normally be reached on Monday - Thursday, and alternate Friday's.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 5712723811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AHW

  
KAMBIZ ZAND  
PRIMARY EXAMINER